

AN ACT

relating to matters regarding educators, including the composition of the State Board for Educator Certification, the issuance of certain sanctions by the board, and requiring a school district to notify a teacher regarding the submission of certain complaints to the board.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 21.033, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) At least two of the members appointed under Subsection (a)(1), (2), or (3) must be from a school district eligible for an allotment under Section 48.101.

SECTION 2. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.065 to read as follows:

Sec. 21.065. NOTICE TO TEACHER REGARDING SUSPENSION OF CERTIFICATE OR PERMIT. (a) In this section, "teacher" means a superintendent, principal, supervisor, classroom teacher, school counselor, paraprofessional, or other full-time professional employee who is required to hold a certificate issued under this subchapter.

(b) Except as provided by Subsection (c), on the suspension of a teacher's certificate or permit issued under this subchapter, the board shall promptly notify the teacher of the suspension. The notice must include:

1 (1) the basis for the suspension; and
2 (2) information regarding the method in which the
3 teacher may respond to the suspension.

4 (c) Subsection (b) does not apply to the suspension of a
5 teacher's certificate or permit by an agreed order.

6 SECTION 3. Section 21.105, Education Code, is amended by
7 amending Subsection (c) and adding Subsections (d), (e), and (f) to
8 read as follows:

9 (c) Subject to Subsections (e) and (f), on ~~On~~ written
10 complaint by the employing district, the State Board for Educator
11 Certification may impose sanctions against a teacher employed under
12 a probationary contract who:

- 13 (1) resigns;
14 (2) fails without good cause to comply with Subsection
15 (a) or (b); and
16 (3) fails to perform the contract.

17 (d) If a school district submits a complaint regarding a
18 teacher to the State Board for Educator Certification under
19 Subsection (c), the district shall promptly notify the teacher of
20 the complaint. The notice must include:

- 21 (1) the basis of the complaint;
22 (2) information regarding how the teacher may contact
23 the State Board for Educator Certification; and
24 (3) a reminder that the teacher should verify that the
25 teacher's mailing address on file with the State Board for Educator
26 Certification is current.

27 (e) Before imposing sanctions against a teacher under

1 Subsection (c), the State Board for Educator Certification:

2 (1) must consider any mitigating factors relevant to
3 the teacher's conduct; and

4 (2) may consider alternatives to sanctions, including
5 additional continuing education or training.

6 (f) If a teacher fails to timely file a written resignation
7 as required by Subsection (a) but files a written resignation in the
8 manner provided by that subsection not later than the 30th day
9 before the first day of instruction of the following school year,
10 the State Board for Educator Certification may not suspend or
11 revoke the teacher's certificate under Subsection (c).

12 SECTION 4. Section 21.160, Education Code, is amended by
13 amending Subsection (c) and adding Subsections (d), (e), and (f) to
14 read as follows:

15 (c) Subject to Subsections (e) and (f), on ~~On~~ written
16 complaint by the employing district, the State Board for Educator
17 Certification may impose sanctions against a teacher who is
18 employed under a continuing contract that obligates the district to
19 employ the person for the following school year and who:

20 (1) resigns;

21 (2) fails without good cause to comply with Subsection
22 (a) or (b); and

23 (3) fails to perform the contract.

24 (d) If a school district submits a complaint regarding a
25 teacher to the State Board for Educator Certification under
26 Subsection (c), the district shall promptly notify the teacher of
27 the complaint. The notice must include:

1 (1) the basis of the complaint;

2 (2) information regarding how the teacher may contact
3 the State Board for Educator Certification; and

4 (3) a reminder that the teacher should verify that the
5 teacher's mailing address on file with the State Board for Educator
6 Certification is current.

7 (e) Before imposing sanctions against a teacher under
8 Subsection (c), the State Board for Educator Certification:

9 (1) must consider any mitigating factors relevant to
10 the teacher's conduct; and

11 (2) may consider alternatives to sanctions, including
12 additional continuing education or training.

13 (f) If a teacher fails to timely file a written resignation
14 as required by Subsection (a) but files a written resignation in the
15 manner provided by that subsection not later than the 30th day
16 before the first day of instruction of the following school year,
17 the State Board for Educator Certification may not suspend or
18 revoke the teacher's certificate under Subsection (c).

19 SECTION 5. Section 21.210, Education Code, is amended by
20 amending Subsection (c) and adding Subsections (d), (e), and (f) to
21 read as follows:

22 (c) Subject to Subsections (e) and (f), on [On] written
23 complaint by the employing district, the State Board for Educator
24 Certification may impose sanctions against a teacher who is
25 employed under a term contract that obligates the district to
26 employ the person for the following school year and who:

27 (1) resigns;

1 (2) fails without good cause to comply with Subsection
2 (a) or (b); and

3 (3) fails to perform the contract.

4 (d) If a school district submits a complaint regarding a
5 teacher to the State Board for Educator Certification under
6 Subsection (c), the district shall promptly notify the teacher of
7 the complaint. The notice must include:

8 (1) the basis of the complaint;

9 (2) information regarding how the teacher may contact
10 the State Board for Educator Certification; and

11 (3) a reminder that the teacher should verify that the
12 teacher's mailing address on file with the State Board for Educator
13 Certification is current.

14 (e) Before imposing sanctions against a teacher under
15 Subsection (c), the State Board for Educator Certification:

16 (1) must consider any mitigating factors relevant to
17 the teacher's conduct; and

18 (2) may consider alternatives to sanctions, including
19 additional continuing education or training.

20 (f) If a teacher fails to timely file a written resignation
21 as required by Subsection (a) but files a written resignation in the
22 manner provided by that subsection not later than the 30th day
23 before the first day of instruction of the following school year,
24 the State Board for Educator Certification may not suspend or
25 revoke the teacher's certificate under Subsection (c).

26 SECTION 6. Section 21.033(a-1), Education Code, as added by
27 this Act, requiring that at least two members of the State Board for

1 Educator Certification appointed under Subsection (a)(1), (2), or
2 (3) of that section be from a school district eligible for an
3 allotment under Section 48.101, does not affect the entitlement of
4 members described by those subdivisions serving on the board
5 immediately before the effective date of this Act to continue to
6 carry out the members' duties for the remainder of the members'
7 terms. The governor shall appoint members who meet the
8 requirements under Section 21.033(a-1), Education Code, as added by
9 this Act, if necessary, on the first two vacancies that occur after
10 the effective date of this Act of a board position held by a member
11 under Subsection (a)(1), (2), or (3) of that section.

12 SECTION 7. Section 21.065, Education Code, as added by this
13 Act, applies only to a suspension of a teacher's certificate or
14 permit by the State Board for Educator Certification occurring on
15 or after the effective date of this Act.

16 SECTION 8. (a) Sections 21.105(d), 21.160(d), and
17 21.210(d), Education Code, as added by this Act, apply only to a
18 complaint submitted to the State Board for Educator Certification
19 on or after the effective date of this Act.

20 (b) Sections 21.105(e) and (f), 21.160(e) and (f), and
21 21.210(e) and (f), Education Code, as added by this Act, apply only
22 to a disciplinary proceeding initiated by the State Board for
23 Educator Certification on or after the effective date of this Act.
24 A disciplinary proceeding commenced before the effective date of
25 this Act is governed by the law in effect immediately before that
26 date, and the former law is continued in effect for that purpose.

27 SECTION 9. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 2519 was passed by the House on April 21, 2021, by the following vote: Yeas 143, Nays 5, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2519 on May 28, 2021, by the following vote: Yeas 133, Nays 11, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2519 was passed by the Senate, with amendments, on May 26, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor